



VETO OVERRIDE SUMMARY:HB7103

Background:

Once the Legislature passes a bill, the Governor may take one of three actions: allow the bill to become law without his or her signature, sign the bill into law, or veto the bill. If the Governor vetoes a bill, he or she sends the Legislature a message stating the reasons why the bill was vetoed. Article III, Section 8, of the Florida Constitution states that the Legislature may override a Governor's veto by a two thirds vote in each house.

What this bill does:

House Bill 7103 addresses various issues relating to agriculture, including: fees for stormwater management, land use permits, building codes, tax receipts, farm tractors, insurance premiums, and open burning. The bill was originally passed by the Florida House on April 26, 2010, with a vote of 115-0 and includes the following provisions:

- The bill prohibits counties from imposing a fee for stormwater management on agricultural land if the agricultural operation has certain specified permits or implements best management practices (BMPs).
- The bill allows counties that have adopted stormwater ordinances to charge an assessment on agricultural land as long as the ordinance provides for credits against the assessment for implementing BMPs.
- The bill prohibits counties from enforcing any regulations on agricultural land under certain conditions.
- The bill does not limit a county's powers to enforce wetlands and springs protection ordinances adopted before July 1, 2003.
- The bill requires an applicant for a local land use permit, building permit, or certificate of occupancy for nonagricultural land to sign a written acknowledgement of contiguous sustainable agricultural land.
- The bill exempts farm fences from the Florida Building Code as well as any city or county code. It also exempts nonresidential farm buildings and fences from county or municipal fees, with the exception of floodplain management regulations.
- The bill clarifies the definition of "nonresidential farm buildings" to clarify that these buildings are not intended to be used as residential dwellings.
- The bill exempts any person, rather than any "natural person" as in current law, from obtaining a local business tax receipt.
- The bill amends the definition of "farm tractor" to clarify that a farm tractor may be operated incidentally on the roads of the state.
- At the industry's request, the bill returns tropical foliage to exempt status from the provisions of the License and Bond law.
- The bill allows insurance companies, when calculating their gross writing ratio, to exclude gross written premiums for federal multi-peril crop insurance that is ceded to the Federal Crop Insurance Cooperation (FCIC) and authorized reinsurers.
- The bill amends Chapter 823, F.S., to mirror the language in Chapter 403, F.S., regarding agricultural materials that may be burned in the open.

Representative John Legg
Speaker pro tempore

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Veto:

Former Governor Charlie Crist vetoed House Bill 7103 on May 15, 2010, stating the following concerns about restrictions placed on local governments:

"There is not an adequate justification for the state to interject its authority over local decision making. While state regulation is sometimes necessary to provide certainty, uniformity, and stability on certain policy issues, it should be applied sparingly. This bill attempts to apply a remedy without significantly identifying a problem."

Possible Veto Override:

On Friday, March 18, 2011, the motion to override Governor Crist's veto of House Bill 7103 was passed favorably out of the House State Affairs Committee. The proposed override could now be considered for a vote by the full Florida House, if a motion is made during a Floor Session.

Proponents assert the bill addresses specific, identified problems discussed throughout the 2008, 2009, and 2010 Legislative Sessions. They stress the provisions of the bill were developed through significant collaboration including committee meetings and informal workshops where representatives from interested parties such as local government and environmental groups actively participated. Proponents also note that there was no testimony against the bill in committee.

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